

REMARKS

In the non-final Office Action, the Examiner objects to claims 1-23 and 29-30 due to various informalities; rejects claims 1, 4-8, 10, 11, 15, and 16-19 under 35 U.S.C. § 102(e) as being anticipated by BEN NUN et al. (U.S. Patent No. 6,831,893 B1); rejects claims 2, 3, 12, and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over BEN NUN et al. in view of VISWANADHAM et al. (U.S. Patent Application Publication No. 2001/0043614 A1); rejects claim 13 under 35 U.S.C. § 103(a) as being unpatentable over BEN NUN et al. in view of SHRADER (U.S. Patent No. 6,009,475); rejects claim 14 under 35 U.S.C. § 103(a) as being unpatentable over BEN NUN et al. and VISWANADHAM et al. further in view of USHIROZAWA (U.S. Patent No. 6,704,290); rejects claim 22 under 35 U.S.C. § 102(e) as being anticipated by BEN NUN et al. in view of SEAMONS et al. (U.S. Patent No. 6,349,338); rejects claim 27 under 35 U.S.C. § 103(a) as being unpatentable over BEN NUN et al. and VISWANADHAM et al. further in view of WALKER et al. (U.S. Patent No. 6,567,379 B1); rejects claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over BEN NUN et al. in view of LAKSHMAN et al. (U.S. Patent No. 5,951,651); and objects to claims 9, 20, 21, 23, and 28 as being dependent upon rejected base claim. Applicants respectfully traverse.

By way of this Amendment, Applicants amend claims 1-7, 10-14, 17, 19, 21-25, and 28-30 to improve form; and cancel claims 8, 9, 20, and 27 without prejudice or disclaimer. No new matter has been introduced. Claims 1-7, 10-19, 21-26, and 28-30 are pending.

Claims 1-7, 10-19, 21-23, 29 and 30 stand objected to due to alleged informalities. With respect to independent claims 1 and 29, as well as claim 30, the Examiner asserts that certain recitations therein are not “positive limitations” and thus do not serve as limitations as to a “particular structure” or limit the scope of the claims. (Office Action, p. 2). While not concurring with the Examiner’s assertion, but merely to expedite prosecution, claim 1 is amended to address the Examiner’s concerns. With respect to claim 29, however, Applicants respectfully refer the Examiner to the governing statute, 35 U.S.C. § 112, which plainly states that “[a]n element in a claim for a combination may be expressed as a means ... for performing a specified function without the recital of a structure” (6th paragraph; emphasis added).

Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 1-7, 10-19, 21-23, 29 and 30.

Claims 1, 4-7, 10, 11, and 15-19 stand rejected under 35 U.S.C. § 102(e) as allegedly anticipated by BEN NUN et al. (Office Action, pp. 3 and 15). Applicants respectfully traverse the rejection.

At the outset, with respect to the rejection of claim 15, Applicants respectfully submit that the rejection of claim 15 under 35 U.S.C. § 102(e) is improper by virtue of the Examiner’s concession that BEN NUN et al. does not disclose each and every feature of claim 15, as required by § 102, and the Examiner’s subsequent reliance on the teaching of a secondary reference for the undisclosed feature. (Office Action, p. 11).

Nevertheless, while not concurring with the Examiner’s rejection of claims 1, 4-7, 10, 11, and 15-18 based on BEN NUN et al., but merely to expedite prosecution, independent

claim 1 is amended to substantially include the features previously recited in claims 8 and 9 indicated by the Examiner as being allowable over the applied art. For at least these reasons, Applicants respectfully submit that claim 1 is not anticipated by BEN NUN et al.

Claims 4-7, 10, 11, and 15-18 depend from claim 1 and are, therefore, not anticipated by BEN NUN et al. for at least the reasons given with respect to claim 1.

While not concurring with the Examiner's rejection of claim 19 based on BEN NUN et al., but merely to expedite prosecution, claim 19 is amended to independent form and to substantially include the features previously recited in claim 20 indicated by the Examiner as being allowable over the applied art. For at least these reasons, Applicants respectfully submit that claim 19 is patentable over BEN NUN et al.

Accordingly, Applicants respectfully request reconsideration of the rejection of claims 1, 4-7, 10, 11, and 15-19 under 35 U.S.C. § 102(e) based on BEN NUN et al.

Claims 2, 3, 12, and 24-26 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BEN NUN et al. in view of VISWANADHAM et al. (Office Action, p. 8). Applicants respectfully traverse the rejection.

Claims 2, 3, 12, depend from claim 1. The disclosure of VISWANADHAM et al. does not cure the identified deficiencies in the disclosure of BEN NUN et al. with respect to claim 1. Claims 2, 3, 12 are, therefore, patentable over BEN NUN et al. and VISWANADHAM et al., whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 1.

While not concurring with the Examiner's rejection of claims 24-26 based on BEN NUN et al. and VISWANADHAM et al., but merely to expedite prosecution,

independent claim 24 is amended to substantially include the features previously recited in claim 28 indicated by the Examiner as being allowable over the applied art. For at least these reasons, Applicants respectfully submit that claim 24 is patentable over BEN NUN et al. and VISWANADHAM et al., whether taken alone or in any reasonable combination.

Claims 25 and 26 depend from claim 24 and are, therefore, patentable over BEN NUN et al. and VISWANADHAM et al., whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 24.

Accordingly, Applicants respectfully request reconsideration of the rejection of claims 2, 3, 12, and 24-26 under 35 U.S.C. § 103(a) based on BEN NUN et al. and VISWANADHAM et al.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BEN NUN et al. in view of SHRADER. (Office Action, p. 10). Applicants respectfully traverse the rejection.

Claim 13 depends from claim 1. The disclosure of SHRADER does not cure the identified deficiencies in the disclosure of BEN NUN et al. with respect to claim 1. Claim 13 is, therefore, patentable over BEN NUN et al. and SHRADER, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 1.

Accordingly, Applicants respectfully request reconsideration of the rejection of claim 13 under 35 U.S.C. § 103(a) based on BEN NUN et al. and SHRADER.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BEN NUN et al. and VISWANADHAM et al., and further in view of USHIROZAWA. (Office Action, p. 11). Applicants respectfully traverse the rejection.

Claim 14 depends from claim 3. The disclosure of USHIROZAWA does not cure the identified deficiencies in the disclosures of BEN NUN et al. and VISWANADHAM et al. with respect to claim 3. Claim 14 is, therefore, patentable over BEN NUN et al., VISWANADHAM et al., and USHIROZAWA, whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 3.

Accordingly, Applicants respectfully request reconsideration of the rejection of claim 14 under 35 U.S.C. § 103(a) based on BEN NUN et al., VISWANADHAM et al., and USHIROZAWA.

Claim 22 stands rejected under 35 U.S.C. § 102(e) as being anticipated by BEN NUN et al. in view of SEAMONS et al. Applicants respectfully traverse the rejection.

At the outset, Applicants respectfully submit that the rejection of claim 22 under 35 U.S.C. § 102(e) is improper by virtue of the Examiner's reliance on the combined teachings of more than one reference. (Office Action, p. 12). Nevertheless, claim 22 depends from claim 19. The disclosure of SEAMONS et al. does not cure the identified deficiencies in the disclosure of BEN NUN et al. with respect to claim 19. Claim 22 is, therefore, patentable over BEN NUN et al. and SEAMONS et al., whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 19.

Accordingly, Applicants respectfully request reconsideration of the rejection of claim 22 under 35 U.S.C. § 102(e) based on BEN NUN et al. and SEAMONS et al.

Claims 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over BEN NUN et al. in view of LAKSHMAN et al. Applicants respectfully traverse the rejection.

While not concurring with the Examiner's rejection, but merely to expedite prosecution, independent claim 29 is amended to substantially include the features previously recited in claims 8 and 9 indicated by the Examiner as being allowable over the applied art. For at least these reasons, Applicants respectfully submit that claim 29 is patentable over BEN NUN et al. and LAKSHMAN et al., whether taken alone or in any reasonable combination.

Claim 30 depends from claim 29 and is, therefore, patentable over BEN NUN et al. and LAKSHMAN et al., whether taken alone or in any reasonable combination, for at least the reasons given with respect to claim 29.

Accordingly, Applicants respectfully request reconsideration of the rejection of claims 29 and 30 under 35 U.S.C. § 103(a) over BEN NUN et al. and LAKSHMAN et al.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession

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by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 05-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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